



I hereby certify that this correspondence is being deposited with the U.S. Postal Service with sufficient postage as First Class Mail, in an envelope addressed to: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450, on the date shown below.

Dated: February 8, 2005

Signature:

Elsa J. Michaud
(Elsa J. Michaud)

Docket No.: 101896-0283
(PATENT)

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Patent Application of:
Sean P. Selover et al.

Application No.: 10/711,704

Confirmation No.: 5703

Filed: September 30, 2004

Art Unit: 3731

For: METHODS AND DEVICES FOR
MINIMALLY INVASIVE SPINAL
FIXATION ELEMENT PLACEMENT

Examiner: Not Yet Assigned

INFORMATION DISCLOSURE STATEMENT (IDS)

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Dear Sir:

Applicants hereby cite for the record in this application the documents listed on the attached PTO Form SB/08A. In accordance with 37 CFR §1.98(d), copies of the references are not submitted herewith insofar as they are all believed to be in the Examiner's file already. The references were previously cited in United States Patent Application No. 10/738,130 filed on December 16, 2003 and relied upon in this application for an earlier filing date under 35 U.S.C. 120.

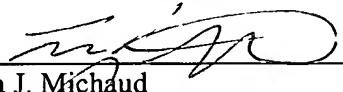
It is respectfully requested that the information be expressly considered during the prosecution of this application, and that the references be made of record therein and appear among the "References Cited" on any patent to issue therefrom.

While the information and references disclosed in this Information Disclosure Statement may be "material" pursuant to 37 CFR 1.56, it is not intended to constitute an admission that any patent, publication or other information referred to therein is "prior art" for this invention unless specifically designated as such.

This Information Disclosure Statement is filed before the mailing date of a first Office Action on the merits as far as is known to the undersigned (37 CFR 1.97(b)(3)), and thus no fees are believed to be due. However, the Director is hereby authorized to charge any deficiency in the fees filed, asserted to be filed or which should have been filed herewith (or with any paper hereafter filed in this application by this firm) to our Deposit Account No. 141449, under Order No. 101896-0283.

Dated: February 8, 2005

Respectfully submitted,

By 
Lisa J. Michaud
Registration No.: 44,238

NUTTER MCCLENNEN & FISH LLP
World Trade Center West
155 Seaport Boulevard
Boston, Massachusetts 02210-2604
(617) 439-2000
(617) 310-9000 (Fax)
Attorney for Applicant



PTO/SB/08a/b (08-03)

Approved for use through 07/31/2006. OMB 0651-0031

U.S. Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE

Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it contains a valid OMB control number.

Substitute for form 1449A/B/PTO INFORMATION DISCLOSURE STATEMENT BY APPLICANT (Use as many sheets as necessary)				Complete if Known	
				Application Number	10/711,704-Conf. #5703
				Filing Date	September 30, 2004
				First Named Inventor	Sean P. Selover
				Art Unit	3731
				Examiner Name	Not Yet Assigned
Sheet	1	of	2	Attorney Docket Number	101896-0283

U.S. PATENT DOCUMENTS					
Examiner Initials*	Cite No. ¹	Document Number	Publication Date MM-DD-YYYY	Name of Patentee or Applicant of Cited Document	Pages, Columns, Lines, Where Relevant Passages or Relevant Figures Appear
		Number-Kind Code ² (if known)			
		US-5,569,248	10-29-1996	Hallett H. Mathews	
		US-5,171,279	12-15-1992	Hallett H. Mathews	
		US-5,954,635	09-21-1999	Foley et al.	
		US-5,728,097	03-17-1998	Mathews	
		US-6,793,656	09-21-2004	Hallett H. Mathews	
		US-6,033,406	03-07-2000	Hallett H. Mathews	
		US-6,159,179	12-12-2000	Simonson	
		US-6,530,929	03-11-2003	Jeff Justis	
		US-6,530,926	03-11-2003	Thomas Davison	
		US-6,520,907	02-18-2003	Kevin T. Foley	
		US-6,235,028	12-12-2000	David Brumfield	
		US-2004/0143265	07-22-2004	Michael Landry	
		US-2004/0138662	07-15-2004	Michael Landry	
		US 2004/0039384-A1	02-26-2004	Boehm, JR. et al.	
		US 2003/0208203-A1	11-06-2003	Lim et al.	
		US 2003/0199885-A1	10-23-2003	Davison et al.	
		US 2003/0195551-A1	10-16-2003	Davison et al.	
		US 2003/0195550-A1	10-16-2003	Davison et al.	
		US 2003/0195549-A1	10-16-2003	Davison et al.	
		US 2003/0083689-A1	05-01-2003	Simonson	
		US 2003/0083688-A1	05-01-2003	Simonson	
		US 2002/0198526-A1	12-26-2002	Shaolian et al.	
		US 2002/0123668-A1	09-05-2002	Ritland	
		US 2002/0082600-A1	06-27-2002	Shaolian et al.	
		US 2002/0068975-A1	06-06-2002	Teitelbaum et al.	
		US 2002/0049368-A1	04-25-2002	Ritland	

FOREIGN PATENT DOCUMENTS						
Examiner Initials*	Cite No. ¹	Foreign Patent Document	Publication Date MM-DD-YYYY	Name of Patentee or Applicant of Cited Document	Pages, Columns, Lines, Where Relevant Passages or Relevant Figures Appear	T ⁶
		Country Code ³ -Number ⁴ -Kind Code ⁵ (if known)				
		DE-100 27 988.0	10-01-2002	Kosmala, Arkadiusz, Dr.		
		DE-29810798	05-21-2004	SCHAFER micomed GmbH		
		FR-2796545	07-22-1999	BACCELLI Christian		
		FR-2729291	01-12-1995	GENNARI Jean Marie		
		EP-1190678	03-27-2002	BONO, Frank Scott		
		WO-2004/04100	05-21-2004	LANDRY, Michael E.		

*EXAMINER: Initial if reference considered, whether or not citation is in conformance with MPEP 609. Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant. ¹ Applicant's unique citation designation number (optional). ² See Kinds Codes of USPTO Patent Documents at www.uspto.gov or MPEP 901.04. ³ Enter Office that issued the document, by the two-letter code (WIPO Standard ST.3). ⁴ For Japanese patent documents, the indication of the year of the reign of the Emperor must precede the serial number of the patent document. ⁵ Kind of document by the appropriate symbol as indicated on the document under WIPO Standard ST.16 if possible. ⁶ Applicant is to place a check mark here if English language translation is attached.

Examiner Signature		Date Considered	
-----------------------	--	--------------------	--



PTO/SB/08a/b (08-03)

Approved for use through 07/31/2006. OMB 0651-0031

U.S. Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE

Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it contains a valid OMB control number.

Substitute for form 1449A/B/PTO INFORMATION DISCLOSURE STATEMENT BY APPLICANT (Use as many sheets as necessary)				Complete if Known	
				Application Number	10/711,704-Conf. #5703
				Filing Date	September 30, 2004
				First Named Inventor	Sean P. Selover
				Art Unit	3731
				Examiner Name	Not Yet Assigned
Sheet	2	of	2	Attorney Docket Number	101896-0283

NON PATENT LITERATURE DOCUMENTS			
Examiner Initials	Cite No. ¹	Include name of the author (in CAPITAL LETTERS), title of the article (when appropriate), title of the item (book, magazine, journal, serial, symposium, catalog, etc.), date, page(s), volume-issue number(s), publisher, city and/or country where published.	T ²
		KEVIN T. FOLEY, M.D., CD HORIZON SEXTANT ROD INSERTION SYSTEM AND SURGICAL TECHNIQUE, pp. 1-30, Medtronic Sofamor Danek, Memphis, TN (July 2002).	
		STEPHEN L. RITLAND, M.D., SURGICAL TECHNIQUE: MICRO-TLIF "A MINI-OPEN AND INTERMUSCULAR TRANSFORAMINAL LUMBER INTERBODY FUSION," APERTURE SPINAL ACCESS SYSTEM, pp. 1-20, DePuy AcroMed, Inc., Raynham, MA (October 2002).	
		THE DILATION RETRACTOR SYSTEM, Bright Medical Instruments, Boca Raton, FL	

*EXAMINER: Initial if reference considered, whether or not citation is in conformance with MPEP 609. Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant.

¹Applicant's unique citation designation number (optional). ²Applicant is to place a check mark here if English language Translation is attached.

Examiner Signature		Date Considered	
-----------------------	--	--------------------	--